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10/784,056	02/20/2004	Mark W. Thompson	P06711US0	6854

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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/784,056
Filing Date: February 20, 2004
Appellant(s): THOMPSON, MARK W.

MAILED
APR 20 2006
GROUP 3700

Timothy J. Zarley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/3/2006ng from the Office action mailed 12/7/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,324,765	Watkins	12-2001
6,327,782	Blevins	12-2001

5,107,665	Wright	4-1992
D373,712	Bridgers	9-1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, and 2 have been rejected under 35 U.S.C. 102(b) as being anticipated by Watkins (U.S Patent No. 6,324,765).

Regarding claims 1, and 2, Watkins (U.S Patent No. 6,324,765) teaches (Col. 2, lines 64-67; Col. 3, lines 1-4; also see Figures 2-4, and 6) a gas trimming device with a slidable clamping member (5 and 4) attached to the shaft of the gas trimming the device. A support member (13) slidably connected to the slidable clamping member (5 and 4). A guard member (19) extends from the support member and has the ability to deflect grass clippings. Furthermore, Watkins teaches (Col. 3, lines 1-4) the support member 13 able to telescope from the slidable clamping member (5 and 4).

Claims 1, 3-9, 11-14, and 16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Blevins (U.S Patent No. 6,327,782) in view of Wright (U.S Patent No. 5,107,665), in further view of Bridgers (U.S Design Patent No. 373,712).

Regarding claims 1, 4, 5, 6, 9, 11 Blevins teaches (see Figures 1 and 6) a flexible brush guard for a gas-trimming device which has a slidably releasable clamp (39) connected to the shaft (36). The flexible brush guard can also be attached at a 90-degree angle relative to the shaft of the trimming device.

Blevins teaches all of the elements of the current invention as listed above except the support member being slidably connected to the clamp, and that there are two support members one on each side of the shaft of the trimming device.

Regarding claims 1, 6, 7, 11, 12, 13, and 16, Wright teaches a support member slidably supported to a clamping means attached to a shaft (see Figures 1, 2, 7, and 8) that uses a plurality of holes to adjust the distance between the guard member and the shaft.

Regarding claims 3, 8, and 14, Bridgers teaches the use of two parallel support members, one on each side of the shaft.

It would have been obvious to have modified Blevins to incorporate the teachings of Wright and Bridgers to create a guard means firmly supported to the clamp on the shaft by two support members. Slidable support members would allow a user to incorporate larger or smaller trimming radiuses when using the trimming apparatus. Two sliding support members would provide added structural rigidity to the system and would help prevent the support arms and sliding apparatuses from getting bent due to the guard member running into a rock or any other hard object.

(10) Response to Argument

In response to Appellant's argument (Pg. 3-4) that Watkins does not teach a "support member slidably connected within the releasable clamp", Watkins unmistakably teaches this. Appellant does not identify a shape or particular design of the clamp. The clamp of Watkins consists of both parts (4 and 5) because they are rigidly attached as shown in Figure 2 below. Therefore, the support (13) is slidably

connected within the clamp (4 and 5) as can be shown by Figures 1 and 3 below. The Examiner has added the bolded and shaded numerals and letters to further clarify the following drawings.

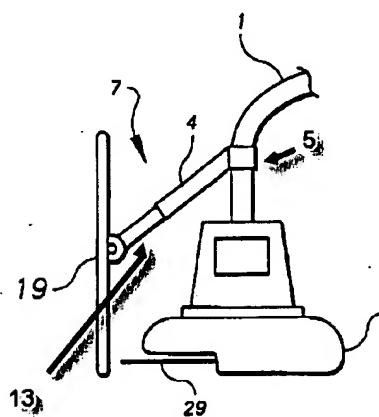


Figure 1

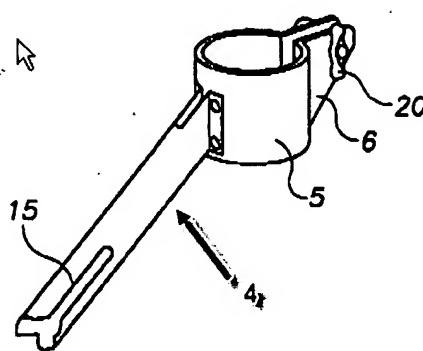


Figure 2

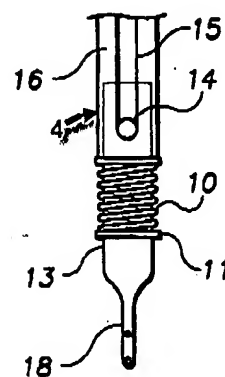


Figure 3

Figure 3 best shows the clamping member (4 and 5) being slidably connected to the support (13) by outlining the support member (13) within the clamping member (4 and 5), as well as showing the pin (14) that is attached to the support member (13).

Appellant's assertion (Pg. 4-8) with respect to no motivation to combine Blevins, Wright, and Bridgers is clearly wrong. All of the references are in the same technology and all involve a clamping attachment about the shaft of a trimming device. The motivation is provided in the references themselves because of the related technology that one of ordinary skill in the art would have found obvious to piece together.

In response to Appellant's argument (Pg. 9) that Blevins, Wright, and Bridgers do not teach a "support member slidably connected within the releasable clamp", Wright conclusively teaches this. Wright teaches the clamping structure (28) able to separate

into two clamping blocks (32 and 34), therefore making the clamping structure (28) moveable relative to the shaft (22) and then rigid when tightened into position (see Figure 4 and 5).

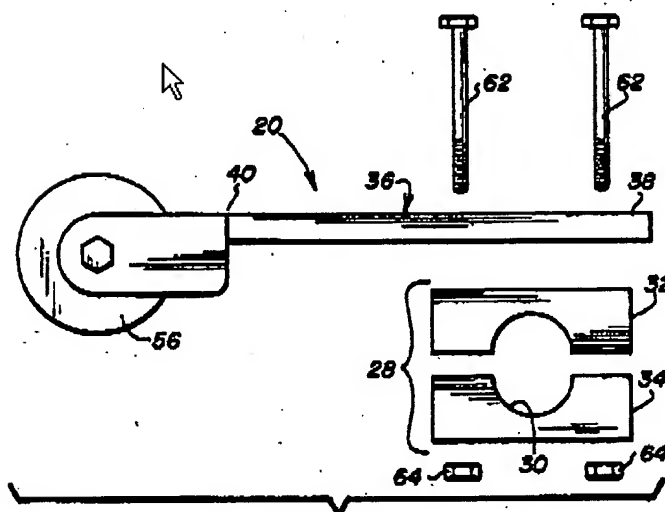


Figure 4

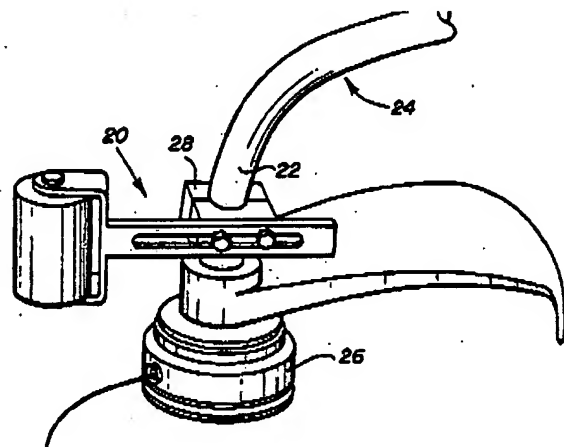


Figure 5

Furthermore, Wight teaches (see Figure 4) that two bolts (62) and two nuts (64) are both used for attaching the support to the clamping structure (28), and for attaching and tightening the clamping blocks (32 and 34) to form the clamping structure (28), therefore making bolts (62) part of the clamping structure because the clamping structure could not clamp onto the shaft (24) without them. The support structure (20) is therefore clamped within the clamping structure (see Figure 5).

In response to Appellant's argument (Pg. 10) that no prior art references cited teach "the flexible brush member being positioned at a 90 degree angle relative to the shaft" Blevins clearly shows (Box "A" of Figure 6; also see Col. 3, lines 47-51) the brush guard capable of being mounted at any point along the shaft and therefore capable of being mounted at a 90 degree angle relative to the shaft.

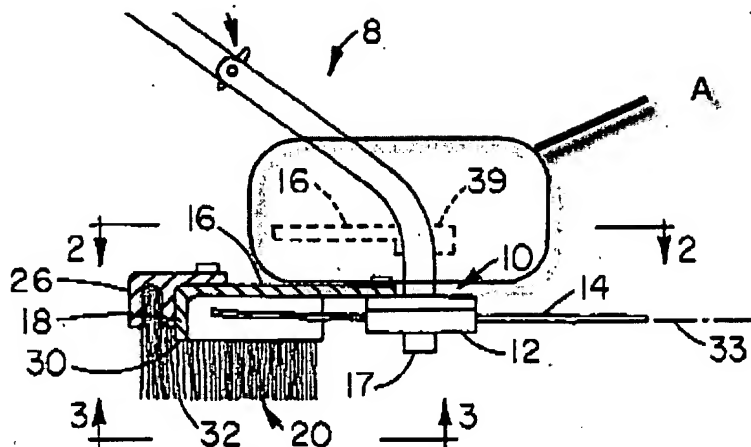


Figure 6

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Edward Landrum

April 11, 2006

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